

Police back on the beat after he dodges bullet

By Harry Harris
The Tribune

THU JUN 1 1989

Just 24 hours after a bullet narrowly missed his head, rookie Oakland Policeman Tim Smith was back on duty last night, a red blemish on his cheek the only visible reminder of an encounter every police officer fears.

It was during a "routine" stop of a car with a smoky exhaust Tuesday night that Smith, 22, suddenly was looking down the barrel of a gun held less than a foot from his face.

And an instant, instinctive jerk of his head "to get away from the muzzle" probably saved his life, as the first bullet whizzed past him.

"I could see a little flash to my left and I could feel the concussion," recalled Smith, who graduated from the police academy in December.

The side of his face singed by the muzzle fire, Smith dove behind his police car for cover while the gunman fired another shot at him before fleeing on foot through nearby yards.

A suspect, identified as Roderrick Spikes, 22, who gave a Hayward address, was arrested less than 10 minutes later by officers who found him hiding under a porch in the 2600 block of Octavia Street.

Smith's close call happened about 7:20 p.m. when he stopped Spikes because his car was emitting excessive exhaust smoke, investigators said.

Sgts. Paul Berlin and Ron Zien said Spikes was "verbally and

See POLICEMAN/Back Page

Policeman h

Continued from Page A-1

physically evasive" so Smith had him sit in the rear of his patrol car while he waited for another officer.

As Smith stood outside the open door, Spikes allegedly pulled a .22-caliber revolver from his pants pocket, pointed it at Smith's head and fired, police said.

Smith said as he "rolled to my right and pulled my gun" the suspect fired another shot at him and took off running.

More than a dozen officers, including the police helicopter, responded to Smith's radio call for assistance. Spikes was found and arrested by Officers Gabe Cervantez and Vince Fratangelo.

Berlin said numerous residents in the area pointed out Spikes' escape route. The revolver he allegedly fired at Smith was found in a nearby garage.

Berlin said Spikes, on probation for a cocaine sales conviction in San Mateo County, was booked for investigation of attempted murder of a police officer.

Smith said the only time he had been shot at before was during training exercises in the Marine Corps, "and they were using blanks."

Noting that he is the fourth officer on his shift to be shot at since late January, Smith said he realizes how lucky he was.

"Another one or two inches and the bullet would have went right into my skull," he said.

Rather than take some time off, Smith decided it would be better for him to get back to work right away.

"I didn't want to stay home and think about it," he said. "I'd just get antsy."

Officer charged with kidnappings, sexual assaults

By Harry Harris
Tribune staff writer

SAT FEB 1 1992

An Oakland police officer was charged yesterday with kidnapping and sexually assaulting six women while on duty, officials said.

According to sources and court documents, Officer Timothy J. Smith 25, also is being investigated for other possible attacks in the past 2½ years.

Smith, who was arrested on a \$250,000 warrant Thursday night, was ar-

raigned in Oakland Municipal Court yesterday on 12 felony counts.

They include six counts of kidnapping, four counts of sexual battery and one count each of oral copulation and penetration with a foreign object.

He will return to court Wednesday to enter a plea to the charges.

Neither Smith nor his attorney, Lincoln Mintz, could be reached for comment on the charges.

Many of his fellow officers, however,

expressed shock at his arrest. Several said they could not believe the charges, saying Smith was a "good cop" who was the last one you would expect to be accused of such crimes.

Smith was a patrol officer who worked late-night shifts throughout the city.

Smith's arrest culminated a two-week investigation by members of the police department's Criminal Investigation Division and Internal Affairs Sec-

tion.

According to court documents, the investigation was prompted by "numerous complaints from several females alleging sexual misconduct on the part" of Smith.

According to the documents, Smith, while "on duty and in full uniform," contacted the women on the street and "forced the complainants to submit to acts of rape, sexual battery and oral copulation or be arrested."

At least nine women had made complaints, but not all could be reached by investigators to give complete statements. Some of the women said they had been assaulted by Smith more than once dating back to 1989.

Seven of the women had records for prostitution. Sources close to the investigation said investigators speculated Smith was picking on prostitutes be-

See OFFICER, Page A-8

Officer, 25, charged with kidnap, assault

Continued from Page A-1

cause he believed they would not report the attacks.

According to the documents, investigators have police radio and computer records that confirm Smith stopped the women. To account for his time with them, Smith reportedly wrote what is known as a "field contact" report that investigators have copies of, according to the documents.

Cases Smith is charged with include:

■ Allegedly kidnapping two women he believed were prostitutes on Nov. 3. According to the court documents, the women actually were department store employees on their way home from dinner in Jack London Square who had stopped their car in North Oakland to discuss their plans for the rest of the night.

Smith allegedly drove both women — one of whom he handcuffed — in his police car to a park, the documents said.

At the park, one of the women told police, Smith allegedly fondled her outside the police car and during a purported search "placed his fingers in her vaginal area," the documents state.

Smith eventually let both women go after telling them never to return to Oakland again or they would be "arrested on sight" by the vice squad, the records state.

■ Allegedly kidnapping a prostitute who said she was with a "trick" in the 500 block of 34th Street in July 1990, when Smith allegedly approached and ordered the customer to leave the

area.

He then allegedly drove the prostitute to another location where she was ordered to partially disrobe by Smith, who kept her in his car for five minutes before releasing her.

■ Allegedly kidnapping a prostitute from the 3900 block of East 14th Street in July 1990 and driving her in his patrol car to another location a few blocks away.

There, he allegedly had the woman partially disrobe and fondled her, according to the documents.

■ Allegedly kidnapping a prostitute who said Smith ordered one of her customers to leave before he drove her in a patrol car to the area of 38th Avenue and San Leandro Boulevard. There, the woman said she was forced to disrobe partially by Smith, who fondled her, the documents said.

■ Allegedly kidnapping a prostitute from the corner of 37th and Market streets in June 1991 and driving her to a deserted park in his patrol car.

There, Smith allegedly fondled the woman and had her give him oral sex, the documents state.

Smith, a former Marine, has been an Oakland police officer for less than three years.

In May 1989, Smith was almost killed in the line of duty when a bullet fired at him by a man he had stopped for a traffic violation narrowly missed his face. The only sign of the shooting was a red blemish on his cheek, which was apparently singed by the muzzle fire.

Cop may face more sex assault charges

THU FEB - 6 1992

By Will Jones
Tribune staff writer

More charges may be filed against an Oakland police officer who already is accused of kidnapping and sexually assaulting six women while on duty, a prosecutor said yesterday.

Deputy District Attorney Ann Kenfield said other women are contacting police to report that they were sexually assaulted by Officer Timothy J. Smith.

Police are investigating each complaint and could file additional charges within a week, she said.

Smith, 25, who is on paid administrative leave, appeared briefly in Municipal Court in Oakland yesterday on the original charges.

His case was continued until next Thursday at which time his attorney, Lincoln Mintz, said Smith will plead not guilty.

Mintz said that some complaints may have been made against Smith in

retaliation for his active involvement in drug enforcement.

The attorney also said he will ask Judge Horace Wheatley to reduce Smith's bail, which is currently set at \$250,000.

Mintz said he hopes Smith will be released on his own recognizance or that his bail will be reduced to \$75,000 to \$100,000.

"With the tremendous outpouring of support from family members and friends, I am sure he could raise" the lower bail amount, Mintz said.

Mintz said that although jailers are keeping a close watch on Smith to protect him from other inmates because he's a police officer, "it's been clearly hell for him to be in custody."

In court yesterday, Kenfield successfully persuaded Wheatley to order news media representatives not to print or air identifiable pictures of Smith before his next court date.

The prosecutor argued that because some of the women are not certain of the identity of their alleged attacker, published or broadcast photos of Smith might taint the investigation.

Kenfield said she will withdraw her objection to photos after the investigation is completed and Smith has been identified by witnesses in a police lineup.

Smith, who is married and the father of a 6-month-old daughter, was arrested last Thursday night and charged with six counts of kidnapping, four counts of sexual battery and one count each of oral copulation and penetration with a foreign object.

Smith allegedly assaulted the women, some of whom had records of prostitution, while in uniform and working night shifts throughout the city over the past 2½ years. He has been on the force a little over three years.

Charged cop faces more sex assault counts

WED FEB 12 1992
An Oakland police officer already charged in six cases was charged yesterday with kidnapping and sexually assaulting a seventh woman while on duty.

New counts of kidnapping for the purpose of sexual assault, oral copulation and sexual battery were filed against Officer Tim Smith, 25.

He was already charged with six counts of kidnapping, four counts of sexual battery and one count each of oral copulation and penetration with a foreign object for alleged assaults on six women dating back two years.

Smith, who has been in custody since Jan. 30, is scheduled to appear in Oakland Municipal Court tomorrow to see if a judge will lower his \$250,000 bail.

The latest alleged victim, an 18-year-old suspected prostitute, came to police Feb. 3 after reading news accounts of Smith's arrest.

The woman told authorities she was handcuffed and abducted by Smith last Aug. 22 — when she was 17 — from the area of Market and Brockhurst streets and driven in his patrol car to a nearby park.

There the woman alleged she was fondled by Smith and forced to have oral sex with him, authorities said.

Asst. Alameda County District Attorney Bob Chambers, who filed the additional charges, said the investigation into Smith was still under way and more charges could be filed.

OAKLAND

FRI FEB 21 1992

Women file abuse claims against police

Two women who were allegedly abused by Oakland Police Officer Timothy Williams filed claims against the city's police department yesterday for keeping Williams on the force despite his alleged history of sexual misconduct.

The two claims of \$5 million each — filed by San Francisco attorney Melvin Belli in the Alameda County Superior Court — allege that the Oakland Police Department received several complaints by women about Williams' alleged on-duty misconduct, but failed to remove him from the agency.

Williams, 25, was charged last month with seven counts of kidnapping, five counts of sexual battery, two counts of oral copulation and one count of copulation with a foreign object. He is currently being held in protective custody at the North County Jail.

The young officer allegedly carried out the offenses in full uniform during his two years on night patrol. Five of his victims were suspected prostitutes, according to police reports.

According to the claims filed yesterday, the two female department store employees were driving to a Berkeley nightclub on Nov. 3 when they were stopped by Williams.

Accusing the women of being high on drugs, according to the claim, Williams allegedly drove the women to a secluded area in his squad car to a North Oakland park, where reportedly touched the first woman's genitals while the second woman remained handcuffed inside the vehicle.

\$1 million claim filed on Oakland police

By Will Jones
Tribune staff writer

FRI MAR 27 1992

An Oakland woman who alleged she was assaulted by two Oakland police officers, including one who is charged with sexually molesting seven other women, filed a \$1 million claim yesterday against the city.

The 39-year-old woman charged that she was sexually molested by Officer David Downing and assaulted by Timothy J. Smith last Nov. 22 after they stopped her for an alleged traffic violation in the 1400 block of Peralta Street.

Oakland police Lt. Fred Sanchez, head of the felony and sexual assault detail, said yesterday that he was not aware of the claim nor was either officer being investigated or charged by his unit because of the woman's claim.

Top officials of the depart-

ment's internal affairs could not be reached late yesterday for comments.

The woman said she was driving to her job as a messenger at the Bank of America in San Francisco when she was pulled over by the officers around 3:30 a.m., according to Oakland attorney John Burris, who filed the claim with the city.

After she was stopped, the claim alleged, the woman was slammed against her car and her arms were twisted.

She then allegedly was handcuffed and placed in the patrol car while Downing and Smith discussed what to do with her.

The officers pulled her out of the car, and Downing said he was going to search her for drugs because "she looks like she's on drugs," the claim alleged.

Downing, however, felt her breasts, placed his hand between

her legs and rubbed her thighs, legs and buttocks while "smiling and smirking," the claim alleged.

The woman later was taken to the city jail where she was held for 12 hours and booked for investigation of interfering with police officers and assaulting the officers, Burris said. The charges, however, were dropped after Smith came under investigation for allegedly sexually molesting other women while on duty.

Smith was arrested last Jan. 31 and is facing charges of kidnapping, oral copulation and sexual assault in connection with the alleged attacks on the other

women over a 2 1/2-year period.

He is being held in jail on \$250,000 bail and is scheduled for a preliminary hearing in Oakland Municipal Court on Monday.

The claim, the first step toward filing a lawsuit in Alameda County Superior Court, accuses Downing of assault, sexual battery, false arrest, false imprisonment and causing emotional distress.

The claim did not allege sexual battery against Smith, but accused him of the other charges.

It also named as defendants the police department and the two officers.

CORRECTION

An article in yesterday's Oakland Tribune gave the wrong name for an Oakland police officer who is charged with abducting and sexually assaulting seven women. The officer's name is Timothy Smith.

Prostitute testifies against jailed cop

FRI APR 3 1992

A 29-year-old prostitute testified yesterday that Oakland Police Officer Timothy J. Smith forced her to perform oral sex on him in his patrol car last summer.

The first witness who testified in Smith's preliminary hearing in Oakland's Municipal Court, the woman said Smith stopped her while she was soliciting customers near the intersection of 36th and Market streets in Oakland about 3 a.m. one day last summer.

Smith, 25, faces a total of 18 felony counts stemming from allegations that he kidnapped and assaulted seven women while on duty.

The woman said Smith coerced into the sex by threatening to take her to jail if she refused.

The woman said Smith drove her to a secluded spot in a nearby park and she performed oral sex on him while she was handcuffed.

The preliminary hearing, which is expected to run into tomorrow, will determine whether there is sufficient evidence for him to be ordered to stand trial.

TUE
Ex-

FRI APR - 7 1992

Cop must stand trial on sex charges

Former Oakland police officer Timothy J. Smith was ordered yesterday to stand trial on 16 felony counts stemming from allegations that he kidnapped and sexually assaulted six women while on duty.

Oakland Municipal Court Judge Judith Ford ruled that sufficient evidence was presented during Smith's preliminary hearing, which ran parts of three days, to prove that there is probable cause to believe he is guilty of the charges against him.

She ordered Smith, who remains in custody in lieu of \$250,000 bail, to appear in Alameda County Superior Court on April 20 to be arraigned.

Smith, 25, who spent 3½ years in the Oakland Police Department before resigning in February after charges were filed against him, was originally charged with kidnapping and sexually assaulting seven women over a two-year period.

But prosecutor Ann Kenfield yesterday dropped two charges involving one of the alleged victims, a prostitute, because authorities have been unable to locate her.

Smith now faces six counts of kidnaping, four counts of sexual battery, four counts of oral copulation and two counts of penetration with a foreign object.

Four of Smith's alleged victims were prostitutes and two were department store employees.

OAKLAND

THU MAY 28 1992

Officer rejects plea bargain in molest case

A former Oakland police officer, accused of sexually molesting six women while on duty, has rejected a plea bargain that could have resulted in a lighter sentence and avoided a trial.

Timothy Smith, 25, who faces a maximum sentence of 53 years in state prison if found guilty on all charges, on Tuesday turned down the deal against the advice of his attorney.

Neither prosecutor Reg Saunder of the Alameda County District Attorney's office nor defense attorney Lincoln Mintz would reveal details of the proposed plea bargain, which apparently would allow Smith to plead guilty or no contest to some charges in exchange for a reduced sentence.

Mintz, however, confirmed that Smith rejected a "negotiated plea for less than the maximum sentence he faces" if he goes to trial and is found guilty of the charges.

Smith, who insists that he is innocent, is charged with six counts of kidnapping, four counts each of sexual battery and oral copulation and two counts of penetration with a foreign object.

He allegedly assaulted the women, four prostitutes and two department store employees, while patrolling the streets of Oakland during his 3½ years on the force. He resigned last February after charges were filed against him.

SAT JUN 13 1992

Ex-cop declines plea bargain in assault case

Former Oakland police officer Timothy Smith yesterday rejected his final chance at a plea bargain in his sexual assault case, hoping instead to persuade a jury he should be acquitted of the 16 felony charges he faces.

"This is a poker game, and you're drawing to an inside straight," Alameda County Superior Court Judge Michael Ballachey warned Smith before granting him a 15-minute recess so he could confer with his family about the plea bargain offer.

Smith is charged with six counts of kidnapping, four counts of sexual battery, four counts of oral copulation and two counts of penetration with a foreign object.

Four of his alleged victims were prostitutes and two were department store employees.

Details of the plea bargain offer were not disclosed, but Ballachey said it called for a maximum prison term of nine years, considerably less than the minimum 30-year term he will probably face if he is convicted and the 60-year term that will likely be sought by prosecutors.

OAKLAND

WED JUN 17 1992

Officer charged with sex assault posts bail

A former Oakland police officer charged with sexually assaulting at least six women is free from jail on \$250,000 bail.

Timothy Smith, 25, was released Monday night from North County Jail where he had been in custody since Jan. 31.

In order to make bail, Smith had to post at least \$25,000 in cash with the balance being secured by other forms of collateral, such as real estate.

Smith, who has steadfastly maintained his innocence, is scheduled to go on trial Aug. 12 in Alameda County Superior Court. He is charged with 16 felony counts stemming from the alleged abductions and sexual assaults of six women while he was on duty. He resigned from the Oakland Police Department shortly after his arrest.

Smith has twice turned down plea bargain offers, the most recent last Friday. If he is convicted of all charges, he faces a maximum of 53 years in state prison.

Officer gets 9 years for kidnapping, sex

By Cecily Burt
Tribune staff writer

SAT SEP - 5 1992

A former Oakland police officer who used his badge and uniform to coerce women into submitting to unwanted sexual acts pleaded no contest yesterday to charges ranging from kidnapping to sexual battery.

As part of a plea bargain, Timothy Smith, 25, agreed to a term of nine years in state pris-

on. Smith was a patrolman with the Oakland Police Department for less than three years. He was arrested in February after the department investigated numerous complaints about his late-night behavior.

Court documents stated Smith stopped several women — most

See OFFICER, Page A-11

Officer pleads no contest to sex charges

Continued from Page A-1

of them prostitutes and not always alone — and drove them to deserted locations. He would force them to have sex before he would release them.

In one case, he mistook two department store employees for prostitutes and forced them into his patrol car when they were leaving Jack London Square after having dinner.

He committed the attacks against all the women while on duty and in full uniform.

Smith pleaded no contest to felony charges of sexually assaulting six different women.

The charges were one count each of forced oral copulation, kidnapping, sexual battery, false imprisonment, penetration by a foreign object under color of authority, and forced oral copulation under color of authority.

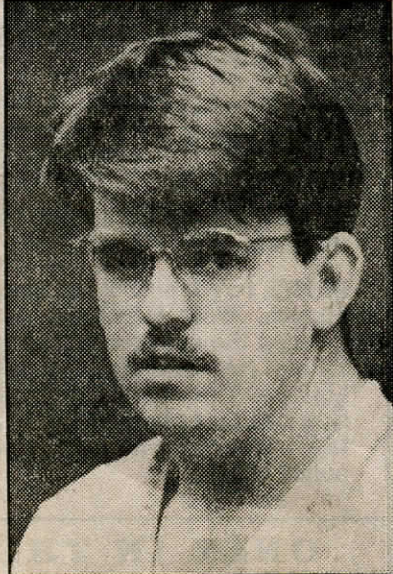
The attacks occurred over a 2½-year period. Smith resigned from the force after his arrest.

Smith had rejected the prosecutor's same offer of a plea bargain in May and was due to stand trial in October.

He was originally charged with sixteen counts, and, if convicted, could have been sentenced to between 30 and 60 years in state prison.

Prosecutor Reg Saunders said he extended the plea bargain offer to Smith a second time as a courtesy because the ex-cop had switched attorneys.

Michael Rains, Smith's new attorney, said his client rejected the first offer because it came as a surprise to him during a court



Timothy Smith
Complaints about behavior

hearing, and he was not given a chance to discuss his decision with his family.

"Now he's had time to talk to me and learn the pros and cons of the plea bargain," Rains said. "He was facing the prospect of a six-week trial and he and his family would have been dragged through the mud. He could have ended up with nine years, or it could have been longer."

Smith is married and has a young child. Formal sentencing is scheduled for Nov. 13. Until that time he is free on \$1 million bail.

Rains said he will probably be sent to a men's detention center that has facilities for law enforcement officers.

Ex-cop sentenced for sexual assault

SAT NOV 14 1992

By Will Jones
Tribune staff writer

A former Oakland police officer was formally sentenced yesterday to nine years in state prison for sexually assaulting six women while on patrol duty.

Timothy Smith was sentenced by Alameda County Superior Court Judge Michael Ballachey to the term that was negotiated during a plea bargain last September.

Smith, 25, who had been free on bail, kissed his wife just before he was sentenced and taken into custody to begin serving his term.

His mother and other family

members also attended yesterday's court proceedings.

Smith also was fined \$200, ordered to submit to an AIDS test and register as a sex offender once he is paroled from prison.

Smith was charged with oral copulation, sexual battery, penetration with a foreign object and kidnapping.

He stopped the victims on the street while in uniform and either fondled them, forced them to orally copulate him or ordered them to partially disrobe while he examined their bodies with a flashlight.

He threatened them with arrest if they did not cooperate.

Four of the victims were pros-

titutes but the other two were department store employees.

The crimes occurred over a 2½-year period until Smith was arrested last February.

Smith told a probation officer that he committed the acts because he lacked experience.

Also, according to the probation report, Smith complained that he was severely punished because of the "political ramifications" of the case, that he was a white police officer and that he was charged with sex offenses that branded him a "sex pervert."